IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 715 OF 2006

IN

SUIT NO. 1500 of 2002

Ms. Hoorbanoo Ismail ... Plaintiff

Vs.

Ms. Zehra Malekhi Khoorami & Ors. Defendants

Mr. N.G.Thakkar, Senior Adv ocate with Mr. K.F.Merchant i/b. Little & Co. for Plaintiff to show cause.

Mr. Saeeed Akhtar for defendants Nos. 1, 3 to 5.

CORAM: S.K.SHAH,J.

DATE : 29th June,2006.

P.C.

1. Heard learned Counsel on both sides.

2. The Chamber Summons is for adding such issues as suggested by the Defendants. I have also gone through the pleadings. The issues suggested by the Defendants Nos.1, 3 to 5 are not accepted. The issue that the defendant No.1 was put in possession of the suit premises by way of family arrangement and the burden of proof will be on the defendant Nos. 1, 3, 4 and 5.

The following issue shall be framed as an additional issue.

ADDITIONAL ISSUE

"Do the Defendant Nos. 1,3, 4 & 5 prove that the Defendant No.1 was put in possession of the suit flat by way of family arrangement ?"

The Chamber Summons is disposed of.

(S.K.SHAH,J.)